

Appl. No. 10/816,268
Response Dated June 21, 2006
Reply to Office Action of March 21, 2006

REMARKS

SUMMARY

Claims 1-22 stand in this application. Claims 1, 10, 15 and 19 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

ALLOWABLE CLAIMS

We would like to thank the Examiner for indicating the allowability of claims 3-8 and 20-22 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits, however, that these claims represent patentable subject matter as currently listed based on the amendments and/or remarks given for the independent claims as discussed in detail below. Applicant would like to respectfully reserve the right, however, to amend the allowable claims into independent form during further prosecution if warranted.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

At page 2, paragraph 2 of the Office Action claims 1, 2, 9 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number (USPN) 6421711 (“Blumenau”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended independent claims 1, 10, 15 and 19 in order to

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facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims. Furthermore, Applicant submits that the amendments are not narrowing amendments and are not being made for reasons substantially related to patentability.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(b), the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that the Blumenau reference fails to teach each and every element recited in claims 1, 2, 9 and 19 and thus they define over the Blumenau reference. For example, with respect to claim 1, the Blumenau reference fails to teach, among other things, the following language:

*assigning said virtual addresses to a first set of physical memory addresses;
generating a first assignment cost value comprising a measure of bandwidth for said assignment.*

According to the Office Action, this language is disclosed by the Blumenau reference at the Abstract, lines 7-15, and column 10, lines 39-51. Applicant respectfully disagrees.

Claims 1, 2 and 9 define over the Blumenau reference. The Blumenau reference at the Abstract, lines 7-15, states in relevant part:

The virtual ports appear to the hosts as physical ports in the data network.... For convenient partitioning of storage among host processors, one or more virtual ports are assigned to each host, and a set of storage volumes are made accessible from each virtual port.

By way of contrast, claim 1 recites an “assigning said virtual addresses to a first set of physical memory addresses.” A physical port does not comprise a “physical memory

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address.” Therefore, a mapping of virtual ports to physical ports does not comprise “assigning said virtual addresses to a first set of physical memory addresses.” Further, the Blumenau reference at column 10, lines 39-51, states in relevant part:

Therefore, it is desirable to assign a temporary identifier to each port in the data network in such a fashion that the identifier is unique to the configuration of the network at any given time, but not necessarily unique to each port for all time. Therefore, such a temporary identifier can have fewer bits than a WWN yet uniquely identify a source or desired destination of a request transmitted through the network.

Claim 1, however, recites “generating a first assignment cost value comprising a measure of bandwidth for said assignment.” A temporary identifier does not comprise a “first assignment cost value” as recited in claim 1. Rather, a “first assignment cost value comprising a measure of bandwidth for said assignment” refers to a measure of bandwidth for “assigning said virtual addresses to a first set of physical memory addresses.” The fact that a temporary identifier can have a fewer number of bits than a permanent identifier does not relate to “a measure of bandwidth for said assignment” as recited in claim 1. The Blumenau reference fails to describe a “first assignment cost value” of any type or in any context, let alone “a first assignment cost value comprising a measure of bandwidth for said assignment.” Consequently, the Blumenau reference fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2 and 9, which depend from claim 1, and therefore contain additional features that further distinguish these claims from the Blumenau reference.

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Claim 19 defines over the Blumenau reference as well. Claim 19 recites language similar to that recited in claim 1. Therefore, Applicant respectfully submits that claim 19 is not anticipated and is patentable over the Blumenau reference for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 19.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Blumenau reference in view of USPN 5928321 ("Ozcelik"). Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Blumenau reference in view of the Ozcelik reference and further in view of the United States Patent Application Number 2001/0004595 ("Dent"). Applicant respectfully traverses these rejections, and requests reconsideration and withdrawal of the obviousness rejections.

Claims 10-18 define over the Blumenau reference, the Ozcelik reference, and the Dent reference, whether taken alone or in combination. Amended independent claims 10 and 15 recite language similar to that recited in claim 1. Applicants note that the Ozcelik reference and the Dent reference also fails to disclose the missing language of claim 1. Therefore, Applicant submits that independent claims 10 and 15 are not obvious and are patentable over the Blumenau reference for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejections with respect to claims 10 and 15. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to dependent

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claims 11-14 and 16-18, which depend from independent claims 10 or 15, and therefore contain additional features that further distinguish these claims from the cited references.

CONCLUSION

For at least the above reasons, Applicant submits that claims 1-22 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.


It is believed that claims 1-22 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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